

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 03-1846
RE: JUDGE JOHN RENKE III

SC03-1846

FILED
CLERK OF COURT

2006 JUN 26 P 1:13

CLERK SUPREME COURT

**THE FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION'S MOTION TO TAX COSTS**

The Investigative Panel of the Florida Judicial Qualifications Commission (the "JQC"), moves the Hearing Panel of the Florida Judicial Qualifications Commission for the entry of a Report and Recommendation to the Supreme Court of Florida that costs be taxed against Respondent in the amount of \$8,209.68, upon the following grounds.

1. The Opinion of the Supreme Court in this cause dated May 26, 2006, inter alia, "direct[ed] that [Judge] Renke pay the costs of these proceedings" and "remand[ed] this case to the JQC for a determination of the amount of such costs," at page 26 thereof.

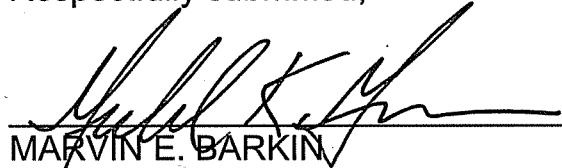
2. Pursuant to and in accordance with Rule 2.140(c) of the Florida Rules of Judicial Administration, per diem fees, deposition costs and the preparation of the transcript and record are taxable costs in these proceedings.

3. Attached hereto and incorporated by reference herein is the Affidavit of Ms. Brook Kennerly, Executive Director of the JQC, verifying and detailing the recoverable costs incurred by the JQC in these proceedings. As set forth therein, the total taxable costs are \$8,209.68. The invoices and bills reflecting

such costs are attached to the Affidavit as Exhibits 1 through 9 thereto.

4. Accordingly, a Report and Recommendation should be entered that costs of \$8,209.68 be taxed against Respondent, and judgment subsequently entered for the same.

Respectfully submitted,




MARVIN E. BARKIN
Florida Bar No. 3564
MICHAEL K. GREEN
Florida Bar No. 763047
TRENAM, KEMKER, SCHARF, BARKIN
FRYE, O'NEILL & MULLIS, P.A.
2700 Bank of America Plaza
101 East Kennedy Boulevard
Post Office Box 1102
Tampa, Florida 33601-1102
(813) 223-7474 (Telephone)
(813) 229-6553 (Fax)
Special Counsel for
Florida Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing Motion to Tax Costs has been furnished by electronic transmission via e-filing@flacourts.org and by U.S. Mail to **The Honorable Thomas D. Hall**, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927, **Judge James R. Wolf**, Chairman, Hearing Panel, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; Ms. Brooke S.

Kennerly, Executive Director, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; **John R. Beranek, Esq.**, Counsel to the Hearing Panel, P.O. Box 391, Tallahassee, FL 32302, and **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, FL 33602-4163 this 22nd day of June, 2006.



Attorney

SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE,
JOHN RENKE, III
NO. 02-466

SUPREME COURT NO. SC03-1846

AFFIDAVIT OF BROOKE S. KENNERLY

STATE OF FLORIDA
COUNTY OF LEON

Before me, the undersigned authority this day personally appeared Brooke S. Kennerly, who, being by me first duly sworn, deposes and says:

1. My name is Brooke S. Kennerly. I am over the age of 18 and make the following statements of my own knowledge.
2. At all material times herein, and since 1972 to this time, I have been and am, the Executive Director of the Florida Judicial Qualifications Commission ("the Commission"). As such, I am the custodian of the financial records of the Commission, including those thereafter described, and further have knowledge of the expenditure of hearing expenses of the Commission pertaining to this case.
3. This affidavit is made to comply with the order of this Court entered on May 25, 2006 relating to charges of court reporters, including per diem fees, deposition costs, and the preparation of the hearing record and record in this case ("court reporter expenses"). In this affidavit I have excluded all mailing and postage charges, and have deleted the cost of copies of trial transcripts which the Commission by rule furnishes without charge to a respondent judge. If a reporter presents a combined statement for an original and a stipulated number of copies, I have treated the amount as a unified charge and deducted a prorated amount. For example, a unified charge for an original and one copy is reduced by ½ or 50%, and a charge for an original and three copies is reduced by 1/4 or 25%.
4. In this case the Commission incurred the following court reporter expenses: as evidenced by the statements identified for each expenditure, each of which is attached hereto as Exhibits 1 through 9 hereto.

Deposition Costs:

a. Deposition of John Renke, II (August 2, 2005) (Exh.1)	769.50
b. Deposition of Thomas Gurran (April 6, 2005) (Exh. 2)	588.70
c. Deposition of Judge Renke (January 22, 2005) (Exh. 3)	1,021.35
d. Deposition of J. R. Phelps (Judge Renke's expert) (Exh. 4)	253.70
e. Deposition of Robert Kelly, Jr. (August 22, 2005) (Exh. 5)	175.70
f. Deposition of James B. Thompson (August 15, 2005) (Exh. 6)	125.00

TOTAL DEPOSITION EXPENSES:	\$	2,933.95
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Hearings and Trial Costs

aa. Sonia Toth & Assoc. Miami, Florida, Rule 6b hearing (April 11, 2003) (Exh. 7)	143.53
bb. Richard Lee Reporting, Tampa, Florida, transcript of Discovery hearing (June 9, 2005) (Exh. 8)	371.00
cc. Richard Lee Reporting, Tampa, Florida, trial proceedings (Sept. 6-8, 2005) (Exh. 9)	4,761.80

TOTAL HEARINGS AND TRIAL COSTS	\$	5,276.33
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TOTAL COSTS

\$

8.209.68

Further affiant sayeth not.

Brooke S. Kennerly

Brooke S. Kennerly

Executive Director, Judicial Qualifications Commission

State of Florida

County of Leon

Sworn to and subscribed before me this 20th day of June, 2006 by
Brooke S. Kennerly, who is ✓ personally known to me or who has produced
_____ as identification.

Patricia A. Lee

Notary Public

My Commission Expires:



Patricia A. Lee

Commission # DD469195

Expires October 8, 2009

Bonded Troy Fain - Insurance, Inc 800-385-7019

JUDY G. MOUKAZIS & ASSOCIATES, INC.

7218 Massachusetts Ave
New Port Richey, FL 34653
Phone: (727) 817-1268
Fax: (727) 817-1203

TAX ID # 59-3383665

DATE	INVOICE #
8/30/2005	54689

BILL TO
Michael Green, Esquire TRENAM KEMKER P A 101 E Kennedy Blvd Suite 2700 Tampa, FL 33602

		SVC DATE	CRT RPTR
		8/2/05	JS
QUANTITY	DESCRIPTION	RATE	AMOUNT
	Inquiry Concerning a Judge		
	SC-03-1846		
	Re Judge John Renke		
	Depo of John Renke, II		
	10:00 - 1:30		
1	Civil Depo Attendance - 1st hour	50.00	50.00
2.5	Civil Depo Attendance - 2nd hour	35.00	87.50
158	Civil Depo Transcript - Original	4.00	632.00
24	Copies of Exhibits	0.25	6.00
1	Postage and Handling	5.50	5.50
Deposition # 781.00 ✓		Total	\$781.00 ✓

ENTERED

769.50 ✓

E-mail

jgmcourt@verizon.net

Please send your payment with one of the invoices provided.

11/14/2911



BAY AREA REPORTING, INC.
www.BAR-Tampa.com

Michael Green, Esq.
Trenam, Kemker, et al
Ste. 2700
101 E. Kennedy Blvd.
Tampa, FL 33602

INVOICE

FED I.D. #59-1955802

BILLING DATE	INVOICE NO.
5/13/2005	5P510

Style: In Re: Judge John Renke, III

ENTERED _____

Case No.	Date of Service:	Time of Service:	Deposition of:	Status:	Description of Charges	Amount
SC03-1846	4/6/2005	1:00 - 4:00 PM	Thomas R. Gurran		Appearance Fee	145.00
					Original Transcript	418.20
					Condensed Transcript	25.50

SUBMITTED AS ORIGINAL

Exhibit 2

Please include Invoice No. in your payment to ensure proper credit.
Thank you for your business!

PLEASE APPROVE

Pay
4/29/06
03 - 3273
58870 ✓

DA-57
4/13/05
4/25/05



BAY AREA REPORTING, INC.
www.BAR-Tampa.com

Michael Green, Esq.
Trenam, Kemker, et al
Ste. 2700
101 E. Kennedy Blvd.
Tampa, FL 33602

INVOICE

FED I.D. #59-1955802

BILLING DATE	INVOICE NO.
2/14/2005	5P207

ENTERED

Style: In Re: Judge John Renke, III

Case No. SC03-1846

Description of Charges

Amount

Appearance Fee	277.50
Original Transcript	701.10
Condensed Transcript	42.75

Date of Service: 1/22/2005

Time of Service: 10:00 - 2:03 PM

Deposition of: Inquiry (Judge Renke)

Status:

03-3273

1021.35

QUANTIFIED AS ORIGINAL

Please include Invoice No. in your payment to ensure proper credit.
Thank you for your business!

[Handwritten signature]
OK

WILKINSON & ASSOCIATES
CERTIFIED COURT REPORTERS
POST OFFICE BOX 13461
TALLAHASSEE, FLORIDA 32317
(850) 224-0127

FED TAX ID #56-2311899

amope
yes
w: 10/17

[Handwritten signature]

TO: MICHAEL K. GREEN, ESQ.
TRENAM, KEMKER
P. O. BOX 1102
TAMPA, FL 33601-1102

RE: INQUIRY CONCERNING JOHN RENKE III
CASE NO. SC03-1846, FL JUDICIAL
QUALIFICATIONS COMMISSION

INVOICE NO. W05-128

REPORTER: CATHERINE WILKINSON

BILLING DATE: 9-2-05

APPEARANCE FEE FOR: DEPOSITION OF J. R. PHELPS ON \$
9-1-05 FROM 9:00 A.M. TO 10:15
A.M. 70.00

ENTERED

TRANSCRIPT COSTS: DEPOSITION IN TALLAHASSEE ON
9-1-05 OF J. R. PHELPS
EXPEDITED SERVICE

ORIGINAL, ONE COPY, \$ 5.90 PER PAGE 43 PAGES \$253.70 ✓

ONE COPY, \$ PER PAGE PAGES \$

MAILING COSTS: \$ 6.00

EXHIBITS: 8 PAGES AT \$.35 PER PAGE \$ 2.80

SUBMITTED BY ORIGINAL

THANK YOU!

03-3273

Exhibit 4

Deposition

TOTAL \$332.50

[Handwritten signature]

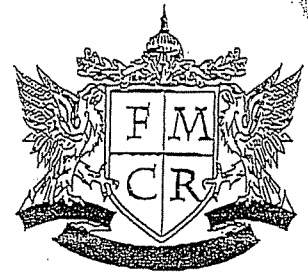
253.70 ✓

FORT MYERS COURT REPORTING

P.O. Box 2099

Fort Myers, Florida 33902-2099

(239) 334-1411 Fax: (239) 334-1476



BILL TO:

Michael K. Green, Esq.
Trenam Kemker
Post Office Box 1102
Tampa, FL 33601

INVOICE NO.: 226691
INVOICE DATE: 8/22/2005
REPORTER:
Lisa Boyd

In Re:

ID# 76-0788158.

INQUIRY CONCERNING JUDGE JOHN RENKE II
Case No. SC03-1846

Date	Description	Amount
8/17/2005	Attendance Fee-11:00 AM to 12:10 PM	85.00
	Deposition of: Robert Kelley, Jr.	
	Transcript Orig. & 1 Copy 39 pp	167.70 ✓
	Exhibits 20 pp	8.00 ✓
	Federal Express Overnight Delivery	25.00
	Sub Total	265.70
	Paid	0.00
	Balance Due	265.70
		175.70

ENTERED

03-3273

WE ACCEPT VISA, MASTERCARD AND AMERICAN EXPRESS
TO FAX YOUR PAYMENT CIRCLE ONE OF THE ABOVE AND
FAX TO 239-334-1476

CARD NUMBER: _____ Exp. Date: _____

NAME ON CARD: _____

ADDRESS WHERE CARD STATEMENT IS SENT IF NOT ABOVE:

Exhibit 5

Deposition
(-transcript)

Company In

MORGAN J. MOREY & Assoc.

333 THIRD AVENUE NORTH, #329

P. O. BOX 143

St. Petersburg

FL 33731-0143

Phone: 727-894-7407

Fax: 727-898-1902

Invoice

Date: 8/17/2005

Invoice Number: 115461

FEI: 59-1622178

Due Date: 9/16/2005

Billing Terms: Net 30

Billing Address

MICHAEL K. GREEN, ESQUIRE

TRENAM, KEMKER, ETC.

101 E. KENNEDY BLVD., SUITE 2700

TAMPA

FL 33602

Item	Description	Qty/Hours	Price/Rate	Total
CASE	INQUIRY CONCERNING JUDGE JOHN RENKE III, NO: 02-466	0	0	0.00
DEPOSITION	8/15/05: JAMES B. THOMPSON, ESQUIRE	0	0	0.00
ATTENDANCE		1	50	50.00
ORIGINAL PAGES AT 3.75/PAGE		20	3.75	75.00
UPS DELIVERY		1	4.75	4.75

129.00 ✓

ENTERED

03-3273

[Handwritten signature]

Customer Note

Totals

Exhibit 6

Total:

129.75 ✓

Deposition (transcript)

F650334747 001
#131404
Invoice

SONIA TOTH & ASSOCIATES
COURT REPORTING SERVICES
2680 HILOLA STREET
COCONUT GROVE, FL 33133
Phone (305)854-7710

Date	Invoice #
05/27/2003	03-568

Fax #	(305)854-3317
-------	---------------

Bill To

FLORIDA JUDICIAL QUALIFICATIONS COMM.
BROOKE S. KENNERLYK, EXECUTIVE DIR.
1110 Thomasville Road
Tallahassee, Florida 32303-6224

Reporter	Date Taken	Ship Date	Case No.
MAS	04/11/2003	05/05/2003	

Description	Pages	Hours	Amount
ATTENDANCE OF REPORTER AND TRANSCRIPTS FROM THE FOLLOWING HEARINGS:			
Attendance of reporter, 9:30 a.m. - 12:00 p.m.			66.65 200.00
Original and one copy of transcript from CASE NO.: 02-101 and 02-143	32		120.00
Original and one copy of transcript from CASE NO.: 02-466	41		76.88 +2 153.75
Original and one copy of transcript from CASE NO.: 02-370	34		127.50
Exhibit, double-sided color copy of 11X17	1		4.00
POSTAGE			8.95
			<u>143.53</u>

Date Invoice Rec'd. 06-02-03
Date Goods Services / Rec'd. 04/11-04/11
Date Goods Inspected / App'd. 06-02-03

PLEASE INDICATE INVOICE NUMBER WHEN MAKING PAYMENT	Total	\$614.20 ✓
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Federal Tax ID. #65-0334747
Terms: Payable upon receipt. 1.5% per month. Accounts unpaid after 30 days agree to pay all collection costs,

RECEIVED
JUN 02 2003
Judicial Qualifications Commission
Tallahassee

RICHARD LEE REPORTING

PO Box 1157
Tampa, FL 33601

(813) 229-1588 Phone
(813) 225-1768 Fax
TAX ID: 59-3411525

INVOICE

Invoice No.: 32953
Date: 06/17/2005
Page: 1

Bill To:

JQC/Attn: Brooke Kennerly
Mount Vernon Square
1110 Thomasville Rd.
Tallahassee, FL 32303

Description		Amount
JQC hearing proceedings, 6/9/05, Inquiry No. 02-466		
Appearance fee		65.00
Original & 1		306.00
Postage		5.00
(Original & 1 sent to John Beranek, Esq.)		
		<u>371.00</u> ✓
<i>y motion for protective order</i>		
Exhibit 8		
Reporter: Sherry	Terms: Net 30 Due 07/17/2005	Total Amount 376.00

RICHARD LEE REPORTING

PO Box 1157
Tampa, FL 33601

(813) 229-1588 Phone
(813) 225-1768 Fax
TAX ID: 59-3411525

F593411525 00.
INVOICE # 131400

Invoice No.: 33550
Date: 10/03/2005
Page: 1

Bill To:
JQC/Attn: Brooke Kennerly
Mount Vernon Square
1110 Thomasville Rd.
Tallahassee, FL 32303

Description	Amount
<p>JQC vs. Renke</p> <p>Trial proceedings, 9/6 - 9/8/05</p> <p>Appearance fee - 23 hrs.</p> <p>Original & 2 - 963 pp. @ 5.40</p> <p>Postage</p> <p>(Original & 1 to John Beranek, Esq.; copy to Scott Tozian, Esq.)</p>	<p>1,295.00</p> <p>5,200.20</p> <p>30.00</p> <p><u>4,761.80</u></p>
<div data-bbox="219 1228 723 1390" data-label="Text"> <p>Date Invoice Rec'd. 10-05-05</p> <p>Date Goods Services / Rec'd. 0906-0908</p> <p>Date Goods Inspected / App'd. 10-05-05</p> </div> <div data-bbox="750 1528 1156 1780" data-label="Text"> <p>trial</p> <p>RECEIVED</p> <p>OCT 05 2005</p> <p>Judicial Qualifications Commission</p> <p>Tallahassee</p> </div>	
<p>Reporter: Sherry/Natalie</p> <p>Terms: Net 30</p> <p>Due 11/02/2005</p>	<p>Total Amount 6,525.20 ✓</p>

Exhibit 9